

Students Who May Be Victims of Sexual Misconduct

If you or someone you know may be a victim of sexual assault, sexual harassment, or any other behaviors prohibited under this policy, you are strongly encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, 7 days a week from:

- Rape Victim Advocacy Program (335-6000)(certified victim advocacy services)
- Emergency Treatment Center at the University of Iowa Hospitals and Clinics (356-2233)(medical services)
- UI Department of Public Safety (335-5022 or 911 from any campus phone)(law enforcement services)

During business hours, you may also seek assistance from the UI Sexual Misconduct Response Coordinator (335-6200).

Sexual Misconduct Involving Students, Including Sexual Assault and Sexual Harassment

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28 INTRODUCTION

29 The University of Iowa strives to create a respectful, safe, and non-threatening
30 environment for its students, faculty and staff. This sexual misconduct policy sets forth
31 resources available to students, describes prohibited conduct, and establishes procedures
32 for responding to sexual misconduct incidents (including sexual assault, sexual
33 harassment, and other unwelcome sexual behavior).

34 **A student who is under the influence of alcohol or drugs at the time of a sexual**
35 **misconduct incident should not be reluctant to seek assistance for that reason.** The
36 Dean of Students will not pursue disciplinary violations against a student (or against a
37 witness) for his or her improper use of alcohol or drugs (e.g. underage drinking) if the
38 student is making a good faith report of sexual misconduct. In addition, the law
39 enforcement authorities in Johnson County have a policy of not pursuing charges for
40 improper use of alcohol against a victim of sexual assault.

41 GENERAL STATEMENT OF POLICY

42 The University of Iowa prohibits sexual misconduct in any form, including sexual assault
43 or sexual abuse, sexual harassment, and any form of nonconsensual sexual conduct.
44 Students should be able to live, study, and work in an environment free from all forms of
45 sexual misconduct.

46 Any act that falls within the definition of sexual misconduct constitutes a violation of
47 university policy. The university is committed to fostering a campus environment that
48 both promotes and expedites prompt reporting of sexual misconduct and timely and fair
49 adjudication of sexual misconduct cases. The university's procedures are designed to
50 protect the rights, needs and privacy of the student filing a university complaint, as well
51 as the rights of students accused of sexual misconduct. The university also adheres to all
52 federal, state and local requirements for intervention, crime reporting and privacy
53 provisions related to sexual misconduct.

54 Sexual misconduct can be committed by men or women, and it can occur between people
55 of the same or different sex.

56 The university will make this policy and educational opportunities readily available to all
57 students and other members of the university community. Creating a respectful, safe, and
58 non-threatening environment is the responsibility of all members of the university
59 community.

60 Students who would like to discuss their situations in a private environment, and share or
61 seek information about a sexual misconduct issue without making a formal complaint,
62 may consult RVAP (the Rape Victim Advocacy Program)(335-6000), the University
63 Counseling Service (335-7294), the Office of the Ombudsperson (335-3608), the
64 Women's Resource and Action Center (335-1486), or Faculty and Staff
65 Services/Employee Assistance Program (335-2085). All of these offices commit to

keeping their communications with students private. In addition, under Iowa law, student communications with certain individuals are legally confidential. When seeking private advice and support from these offices or from any university employee, students should always confirm whether confidentiality applies to their communications with the person to whom they are speaking.

Formal complaints about sexual misconduct by UI students, faculty, or staff should be made to the UI Sexual Misconduct Response Coordinator. No employee is authorized to investigate or resolve student complaints without the involvement of the UI Sexual Misconduct Response Coordinator.

In addition to violating university policy, sexual misconduct might also constitute criminal activity. **Students are strongly encouraged to inform law enforcement authorities about instances of sexual misconduct. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained immediately by law enforcement officers.** Students may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without filing a formal criminal complaint or a formal university complaint.

Assistance in reporting any form of sexual misconduct to the proper law enforcement authorities is available to any student upon request from a certified victim advocate at RVAP or from the UI Sexual Misconduct Response Coordinator.

DEFINITION OF SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND SEXUAL HARASSMENT

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. The term includes sexual assault, sexual harassment, sexual exploitation, and sexual intimidation as those behaviors are described later in this section. Sexual misconduct can be committed by men or women, and it can occur between people of the same or different sex.

For purposes of this policy, consent is a freely and affirmatively communicated willingness to participate in sexual activity or behavior, expressed either by words or clear, unambiguous actions. It is the responsibility of the person who wants to engage in the sexual activity to insure that he or she has the consent of the other to engage in the activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding. Moreover, the existence of a dating relationship between the persons involved or the fact of a past sexual relationship should never provide the basis for an assumption of consent.

Consent must be present throughout the sexual activity--at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity,

it is essential that the participants stop the activity until the confusion can be clearly resolved.

In addition, under Iowa law the following people are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication
- Persons who are unable to communicate consent due to a mental or physical condition

Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

EXAMPLES OF SEXUAL MISCONDUCT

Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

Sexual Assault [hyperlink]
Sexual Harassment [hyperlink]
Sexual Exploitation [hyperlink]
Sexual Intimidation [hyperlink]

In addition to being forbidden by this policy, sexual misconduct may be a violation of state criminal law and of the university's general policy against violence.

Sexual Assault

Sexual assault is a form of sexual misconduct and represents a continuum of conduct from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will.

Examples of sexual assault under this policy include, but are not limited to, the following behaviors when consent is not present:

- Sexual intercourse (vaginal or anal)
- Oral sex
- Rape or attempted rape
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- Unwanted touching of a sexual nature
- Use of coercion, manipulation, or force to make someone else engage in sexual touching including breast, chest and buttocks

- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other mental or physical condition (e.g. asleep or unconscious)

Sexual Harassment

Sexual harassment is a form of discrimination that includes verbal, written, or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person's or group's sex, or based on gender stereotypes, when that behavior is unwelcome and meets either of the following criteria:

- Submission or consent to the behavior is believed to carry consequences for the student's education, employment, on-campus living environment, or participation in a university activity
 - Examples of this type of sexual harassment include pressuring a student to engage in sexual behavior for some educational or employment benefit, or making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.
- The behavior has the purpose or effect of substantially interfering with the student's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a university activity.
 - Examples of this type of sexual harassment can include persistent unwelcomed efforts to develop a sexual relationship; unwelcome commentary about an individual's body or sexual activities; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; or verbal abuse of a sexual nature. Comments or communications could be verbal, written or electronic. Behavior does not need to be directed at or to a specific student, but rather may be generalized unwelcomed and unnecessary comments based on sex or gender stereotypes.

Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred.

Sexual Exploitation

Sexual exploitation involves taking non-consensual sexual advantage of another person. Examples can include, but are not limited to the following behaviors:

- Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved
- Voyeurism (spying on others who are in intimate or sexual situations)
- Distributing intimate or sexual information about another person without that person's consent

Sexual Intimidation

Sexual intimidation involves 1) threatening another person that you will commit a sex act against them, 2) stalking, 3) cyber-stalking, or 4) engaging in indecent exposure.

RESOURCES AND SUPPORT FOR STUDENTS

People who experience unwelcome sexual behavior may respond to the experience in many different ways, including feeling confused, vulnerable, out of control, embarrassed, angry, or depressed. The university provides a variety of resources to assist students who have experienced unwelcome sexual behavior with their healing and recovery and to help students determine whether and how to make a formal complaint about the incident.

Confidential assistance and advocacy for students who have experienced sexual misconduct or other unwelcome sexual behavior

A student may receive assistance from a certified victim advocate by calling RVAP at 319-335-6000. Trained advocates staff this phone number 24 hours a day, 365 days a year. Although RVAP's formal name is the "Rape Victim Advocacy Program" a student does not need to be a rape victim to use its services and those services are available to men and women alike.

Certified victim advocates are trained to assist victims of sexual misconduct and will speak with the student confidentially as the student considers options. They can help a student identify other sources of emotional and physical support. They can provide counseling and also assist the student in understanding the student's rights and reporting options. The university encourages all students who believe they may have been victims of sexual misconduct to contact RVAP and seek the assistance of an advocate.

Additional information about RVAP, as well as other confidential resources, is available in the *Resources Appendix*.

Academic and Housing Accommodations; Interim Actions to Protect Students

A student who believes he or she has been the victim of sexual misconduct, as well as a student who has been accused of sexual misconduct, may contact the Sexual Misconduct Response Coordinator to request any of the following, when related to the incident or accusation of sexual misconduct:

- A change of the student's on-campus housing location to a different on-campus location if alternate on-campus housing is available;
- Assistance in exploring alternative housing off-campus;
- Assistance in securing a transfer of class sections;
- Assistance in arranging incompletes, leaves or withdrawal;
- Issuance of a no-contact directive if the university determines that continued contact between a student who has filed a complaint, a student who has been accused of sexual misconduct, and/or a witness would be detrimental to any of the parties' welfare.
- Other interim actions, when necessary to protect student welfare, such as interim suspensions.

Requests for such arrangements or actions will be granted in appropriate circumstances as determined by the Dean of Students.

Protection against retaliation

The University of Iowa prohibits retaliatory action against any person filing a complaint of sexual misconduct or against any person cooperating in the investigation of any charge of sexual misconduct. This includes any form of intimidation, threats or harassment. Acts of retaliation constitute a violation of university policy and the Code of Student Life and will result in disciplinary action. Retaliation should be reported to the UI Sexual Misconduct Response Coordinator.

Medical Assistance

Students who have experienced a recent sexual assault are strongly encouraged to visit a hospital or clinic to take care of their medical needs. A hospital or clinic can treat a victim's injuries and provide necessary medical advice and medication in case a victim may have contracted a sexually transmitted disease (STD) or has pregnancy concerns. A Sexual Assault Nurse Examiner is available to perform a sexual abuse evidentiary examination. Receiving an evidentiary examination does not mean that a victim must file formal charges with the university or with law enforcement. Rather the examination serves to preserve evidence in the event that a victim may wish to move forward on charges in the future.

A sexual assault evidentiary exam is fully covered and paid for by the State of Iowa and will not be submitted for insurance purposes.

To secure medical assistance and/or a sexual abuse evidentiary exam, visit the

University of Iowa Hospitals and Clinics
Emergency Treatment Center (open 24 hours)
200 Hawkins Drive
Carver Pavilion, Level 1
Iowa City, IA 52242

282 Emergency Medicine phone: 319-356-2233
 283 UIHC Nurseline (operated 24 hours): 319-384-8442

284 The University of Iowa Department of Public Safety (335-5022)

285 Students who have experienced sexual misconduct are encouraged to seek the assistance
 286 of the University of Iowa Department of Public Safety. If a student is not sure whether
 287 criminal conduct is involved, an officer can assist the student in determining whether a
 288 crime has been committed. If the sexual misconduct occurred off-campus, an officer can
 289 assist the student in contacting the appropriate law enforcement agency. A student can
 290 request and receive the assistance of the UI Department of Public Safety without filing a
 291 criminal complaint or making a complaint to the university.

292 The University of Iowa Department of Public Safety is committed to ensuring that
 293 students who report sexual misconduct receive comprehensive care, regardless of
 294 whether or not they wish to file a formal criminal complaint.

295
 296 If a student contacts UI Public Safety, an officer will

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- 298 • Call a certified victim advocate to assist the student in every step of the
- 299 process;
- 300 • Accompany the student to the hospital if the student wishes;
- 301 • Contact the university's Sexual Misconduct Response Coordinator if the
- 302 student wishes to make a complaint under university processes or utilize
- 303 the resources of that office, including making a request for
- 304 accommodations or other support;
- 305 • Talk with the student privately and treat the student with respect,
- 306 sensitivity, and dignity.

307 Even if an assault took place on non-university property or was reported to another law
 308 enforcement agency, students are encouraged to contact the University Department of
 309 Public Safety for assistance with safety issues while on campus (e.g. protection from
 310 particular individuals).

311 INFORMATION AND LINKS REGARDING OTHER ON-CAMPUS AND OFF-
 312 CAMPUS RESOURCES (See Resource Appendix)

313 MAKING A FORMAL COMPLAINT OF SEXUAL MISCONDUCT

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 315 The university takes all incidents of sexual misconduct very seriously. There are two
 316 options for students to make a formal complaint of sexual misconduct. A student may
 317 pursue either or both of these options.

- 318
- 319 • A student can make a formal complaint about sexual misconduct to the
- 320 university administration
- 321

- A student can make a formal complaint about sexual misconduct to the appropriate law enforcement authorities, which would be the UI Department of Public Safety (335-5022) in the case of sexual misconduct that occurs on campus. Not all sexual misconduct is criminal behavior. The law enforcement authorities can assist a student in determining whether the conduct experienced was criminal in nature and warrants a criminal complaint.

Please note: A student may seek and receive support services from the UI Sexual Assault Response Coordinator and of the UI Department of Public Safety without making a formal complaint. Except in cases where there is a threat of harm to other members of the campus community, neither the university nor UI Public Safety will pursue charges against an accused student without the authorization of the student making a complaint.

How to make a formal complaint to university administration

Students may make a complaint about sexual misconduct by another student, a faculty member, or a staff member by contacting the UI Sexual Misconduct Response Coordinator (XXX-XXXX; office address).

A student may need support when talking with law enforcement or university administrators. Students are entitled to be assisted by a certified victim advocate at every stage of the process and are encouraged to consult with the victim advocate and bring the victim advocate to meetings.

When to make a complaint

There is no time limit on making a complaint to university administration. *However, students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible after the incident occurred.* The university may ultimately be unable to adequately investigate if too much time has passed or if an accused individual has left the university. Other factors that could negatively affect the university's ability to investigate include the loss of physical evidence (e.g., prompt medical examinations are critical to preserving the physical evidence of sexual assault), the potential departure of witnesses, or loss of memory.

Making a report or a formal complaint to law enforcement

In an emergency, call 911 from wherever you are and a law enforcement officer will respond to assist you.

In non-emergency situations, criminal sexual misconduct, including sexual assault, should be reported to the law enforcement agency that has jurisdiction over the location where the assault or abuse occurred. Non-emergency reports to law enforcement may be made as follows:

- 365 • If the incident occurred on University of Iowa property, call the University
- 366 of Iowa Department of Public Safety at 335-5022
- 367 • If the incident occurred in Iowa City, call the Iowa City Police Department
- 368 at 356-5275
- 369 • If the incident occurred in Coralville, call the Coralville Police
- 370 Department at 248-1800
- 371 • If the incident occurred in another area of Johnson County, call the
- 372 Johnson County Sheriff's Department at 356-6020

373 Victim advocates have special training in working with law enforcement. The advocates
 374 at RVAP (335-6000 -24 hour crisis line) can help a student make an appointment with a
 375 law enforcement officer to discuss options, and a student can request that a victim
 376 advocate accompany him or her at the meeting.

377 At a student's request, the UI Sexual Misconduct Response Coordinator will also assist
 378 students in reporting to or filing a complaint with law enforcement.

379 SCOPE OF POLICY: ON-CAMPUS AND OFF-CAMPUS

380 This policy covers both on-campus and off-campus conduct, as described below.

381 *On-Campus Violations:* This policy forbids acts of sexual misconduct anywhere on
 382 campus. "Campus" includes university-owned or leased property, streets and pathways
 383 contiguous to university property or in the immediate vicinity of campus. It also includes
 384 the property, facilities and leased premises of organizations affiliated with the university,
 385 including university housing and university-recognized housing. University housing
 386 includes all types of university residence housing such as halls and apartments.
 387 University-recognized housing includes fraternity and sorority chapter dwellings.

388 *Off-Campus Violations:* Off-campus violations, including online behavior, that affect a
 389 clear and distinct interest of the university are subject to disciplinary sanctions. For
 390 example, sexual misconduct by a student is within the university's interests when the
 391 behavior:

- 392 • Involves conduct directed at a university student or other member of the
- 393 university community;
- 394 • Occurs during university-sponsored events (e.g., field trips, social or educational
- 395 functions, university-related travel, student recruitment activities, internships and
- 396 service learning experiences);
- 397 • Occurs during the events of organizations affiliated with the university, including
- 398 the events of student organizations;
- 399 • Occurs during a Study Abroad Program or other international travel; or
- 400 • Poses a disruption or threat to the university community.

401 RESOURCES AND SUPPORT FOR STUDENTS WHO ARE ACCUSED OF SEXUAL

402 MISCONDUCT

Confidential resources

Students who are accused of sexual misconduct may discuss their situations privately with counselors at University Counseling Services (335-7294) or with the staff at the UI Office of the Ombudsperson (335-1486). *See Resources Appendix.* An accused student's conversations with University counselors and staff will not be reported to anyone else in the university except in cases of a threat of imminent physical harm. However, statements made to employees in these offices may not be legally confidential. When seeking private advice and support from these offices or from any university employee, students should always confirm whether legal confidentiality applies to their communications with the person to whom they are speaking.

Academic or Housing Accommodations

A student who is accused of sexual misconduct may seek academic or housing accommodations, as explained elsewhere in this policy [insert link], when such accommodations are related to problems related to the accusation.

Due Process

The university will treat accused students with fairness and respect and will ensure that its investigations and disciplinary proceedings are conducted in accordance with principles of due process.

A student who is accused of sexual misconduct may be assisted by an attorney or other adviser of his or her choosing. A student who is accused of sexual misconduct should consider seeking the assistance of an attorney.

University prohibition against knowingly false complaints

The university prohibits students from knowingly filing false complaints of sexual misconduct (including sexual assault and sexual harassment). Knowingly filing false complaints of sexual misconduct constitutes a violation of the Code of Student Life and will result in disciplinary action. However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

APPENDICES (to be prepared during implementation phase, after policy is approved)

Flowchart of options and resources available to students who experience sexual misconduct

Additional On-Campus and Off-Campus Resources for Students

446 *Description of University Procedures for Investigating and Adjudicating Formal*
447 *Complaints of Sexual Misconduct*

448
449 *Description of Reporting Obligations of University Faculty and Staff Who Learn of*
450 *Alleged Incidents of Sexual Misconduct*

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452 *Description of Rights of Students Who File Complaints and of Students Accused of Sexual*
453 *Misconduct*

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